

INDIANA

Civil Rights Commission



**Fiscal Year 2006
Annual Report**

MESSAGE FROM THE CHAIRPERSON

I am pleased to present the Indiana Civil Rights Commission's annual report. The report covers work through June 30, 2006. The Commission is non-partisan and is dedicated to serving all of the people of Indiana and ensuring the fundamental rights protected under our Indiana Civil Rights Law, Hoosiers with Disabilities Act, and the Indiana Fair Housing Act.

Under the leadership of our director, Gregory Kellam Scott, we have: 1) identified new priorities, 2) taken steps to assure equal educational opportunities for all, and 3) implemented new policies and practices to bring our services to Hoosiers in a timely manner.



Today, we are providing more efficient services to our constituents, including complainants and respondents. Our director and his executive staff have streamlined operations to resolve complaints as efficiently as due process and fundamental fairness allow.

This past summer, the Commission established its first working group: the Indiana Civil Rights Commission Education Steering Committee. The committee is charged with making recommendations to the Commission that will ensure equal opportunity in education for all students. The committee is comprised of: members of the General Assembly; both Indiana Civil Rights Commission and Indiana Department of Education personnel; deans of education and research professors from our state colleges; school superintendents; and others. The committee is chaired by Christine D. Cde Baca, our deputy director and a former school psychologist.

A new day is dawning at the Commission and I am invigorated by the work we are doing for the people of this great state.

Regards,

Alpha Blackburn, Chair
Indiana Civil Rights Commission

MESSAGE FROM THE DIRECTOR

I am pleased to join Chair Blackburn in presenting this first annual report of the Indiana Civil Rights Commission.



An agency long engaged in the fight to eliminate unlawful discrimination, the Commission recently took steps to assure that all children have an “equal opportunity for education.” Under Indiana law, education has long been a “civil right.” In that regard, the Commission established its Education Steering Committee to examine education and disproportionate discipline in our schools.

We have taken important administrative measures as well. We reorganized our agency staff and developed new administrative procedures and practices. Our agency case processing; legal; external affairs; and operations teams are making a difference in agency efficiency. As a consequence, we now give faster service to Hoosiers at a lower cost. In addition, the Commission is providing significant revenue for the general fund under our federal contracts.

In partnership with the Dr. Martin Luther King, Jr. Indiana Holiday Commission, we are conducting youth summits that include middle and high school students who meet during the Dr. Martin Luther King, Jr. Indiana Holiday Celebration and our Holocaust Memorial Observance. Through our youth summits, we intend to build long-term relationships with our youth to better nurture and mentor their growth.

Our success would not be possible, however, without the support of the Governor, the General Assembly, our dedicated staff and the public. That enthusiastic support is greatly appreciated.

Sincerely,

Gregory Kellam Scott, Director
Indiana Civil Rights Commission

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INDIANA CIVIL RIGHTS COMMISSION

PURPOSE

The primary purposes of the Indiana Civil Rights Commission are to redress, deter and **prevent unlawful discrimination** in employment, real estate, public accommodations, credit, and education. Today, much of our success is accomplished through the complaint resolution process and also through public education and outreach efforts to raise community awareness so that employees, tenants, customers, and others have the right to:

- File complaints at the Commission alleging that harm has been caused due to unlawful practices motivated by considerations of race, religion, color, sex, national origin, ancestry, disability, familial status (*residential property only*), and retaliation;
- A timely, thorough and efficient investigation of all such complaints;
- The assistance of Commission staff, including legal counsel, in pursuing claims with probable cause to a hearing before an administrative law judge or in a court of law; and
- All remedies, monetary and otherwise, afforded by law, should a complainant prevail.

The Commission aims to play a leading role in eradicating discriminatory practices through an efficient and diligent administration of applicable laws.

GOALS

- Put in place measures to evaluate agency effectiveness
- Establish central database to allow greater access to agency information and provide more efficient service to Hoosiers
- Conduct three to four public meetings outside of Marion County annually
- Collaborate with the Department of Education and state colleges and universities, through the Education Steering Committee, to create the comprehensive education program required by law and intended to reduce racial/ethnic disparities in all Indiana schools

JURISDICTION

The Commission has jurisdiction over complaints alleging discrimination in:

- Employment – for companies employing six or more employees
- Real Estate
 - Commercial Property
 - Residential Property
- Public Accommodations
- Credit
- Education

PROTECTED CLASSES

- Race
- Religion
- Color
- Sex
- National Origin
- Ancestry
- Disability
- Familial Status
(residential property only)

* In addition, the Commission prevents retaliation against any person who files a complaint, testifies, or in any way assists the Commission in any matter under investigation.

COMPLAINT PROCESS

I - Filing a Complaint

Who - Any person claiming to be aggrieved by a discriminatory act or practice contrary to the provisions of the Indiana Civil Rights Law, the Hoosiers with Disabilities Act, or the Fair Housing Act, may file a complaint with the Indiana Civil Rights Commission.

When – A complaint must be filed within 180 days from the date of occurrence of the discriminatory act, except in residential property cases. A complaint alleging a discriminatory residential property practice must be filed within one year after the discriminatory act has occurred.

How - Complaints may be filed by personal delivery, mail, or fax. Additionally, initial contact can be made by e-mail or online at: www.in.gov/icrc/pubs/onlinecomplaint. The Commission staff will provide assistance in drafting and filing the complaint. The complaint must be in writing and signed under penalties of perjury.

Where - The office of the Indiana Civil Rights Commission is located at: Indiana Government Center North, 100 North Senate Ave., Room NI03, Indianapolis, IN, 46204-2211. Hours of operation are

Monday through Friday, 7:00 AM to 5:00 PM.

II – Investigation

Commission investigators review complaints and collect and summarize evidence. The investigator must collect the best evidence available from both the complainant and respondent. The investigator will seek information to compare the treatment given the complainant to treatment given other similarly situated individuals or groups. There may be an attempt to discuss the issues and settle the case. Complainants are welcome to retain and be represented by a personal attorney during the course of a Commission investigation, but a lawyer is not required.

NOTE: There may be rights or causes of action which do not fall under the jurisdiction of the Commission that may be pursued outside the Commission's authority.

III - Mediation Settlement

At any time during an investigation, the Commission's alternative dispute resolution (ADR) measures may be utilized. The ADR unit will attempt to resolve the dispute through mediation, if all parties agree. Mediation seeks a voluntary resolution of the dispute by the parties without deciding the merits of the

case. If the parties are unable to reach an agreement, the complaint will proceed through investigation and, where probable or reasonable cause exists, a public hearing before the Commission's administrative law judge (ALJ) or in a court of law.

IV - Director's Determination

After the investigation is completed and if no settlement has been reached, the facts and recommendation of the investigator are presented to the Commission director or deputy director. The director or deputy director will review the investigative record and make a determination whether there is cause to believe that an illegal act of discrimination occurred. A notice of finding will be issued advising all parties of the director's or deputy director's determination. While respondents have no appeal rights at this stage, the complainant has 15 days to ask for reconsideration of a no probable cause finding.

V - Conciliation Settlement

If cause is found a formal attempt to resolve the case will be made. If settlement is achieved, a written consent agreement will be drafted for signatures by all parties. The agreement is then submitted to the Commission for consideration. If approved, a consent agreement has the same effect as a Commission final order.

VI - Public Hearing

If conciliation fails the case is set for a public hearing or, where permitted and if parties agree, the matter may be heard in a court of law. If the complainant is not

represented by a personal attorney, a Commission staff attorney may present the complainant's claim. The burden of proof is on the complainant. An ALJ presides at the public hearing. Proposed findings and orders are issued by the ALJ and submitted to the Commission. Either party has 15 days to file objections to the recommended findings. An oral argument on objections may be held before the full Commission.

VII - Final Order

A final order by the Commission is binding. A party aggrieved by the Commission's order may seek judicial review.



VIII - Remedies

If the Commission finds discrimination, a final order may include a cease and desist order and may require further affirmative action that will eliminate discrimination. This might include reinstatement to a job; monetary relief where evidence showed that there was some resulting loss; or in a residential property case, an order making a house or apartment available. Reasonable attorney's fees and costs may also be awarded to the prevailing party in residential property cases.

COMMISSIONERS

The Commission is comprised of seven commissioners appointed by the governor. No more than four commissioners may be members of the same political party. Prior to appointment, the governor should take into consideration all interests in the community, including but not limited to, the interests of minority groups, employers, labor, and the public. A commissioner's term of office is four years in length unless appointed to fill a vacancy, in which case the term is the length of the unexpired term. Commissioners may only be removed for cause by the governor.

The Commission's authority, power, and responsibilities are set forth in the Indiana Civil Rights Law and affiliated statutes. The Commission may: hold hearings; issue subpoenas; subpoena witnesses and require their attendance; obtain evidence or books and records in the possession of any government agency, commission, bureau or political subdivision; administer oaths; take the testimony of any person under oath; require the production of any evidence for examination; and award damages.

In 2005, Governor Daniels appointed one member to the Commission, Commissioner Steven Ramos, whose term ends in July 2009. In 2006, the governor appointed two new commissioners: Tehiji C. Crenshaw and Charles D. Gidney, whose terms of office end in 2010. The Commission is chaired by Alpha Blackburn, who has served under five governors. A biographical sketch for each commissioner follows.

Chair Alpha Blackburn

Commissioner Alpha Blackburn is president and CEO of Blackburn Architects. She is also a national award-winning designer, a distinguished civic leader and a former television talk show host. Ms. Blackburn's honors and accomplishments include being the recipient of several community awards, including the 1992 Prodigy of Indianapolis Award for outstanding commitment to nonprofit organizations and charitable causes, and the 1983 Harvey's Bristol Cream Tribute to the Black Designer. She was chosen as one of five Indiana "Renaissance Women" by the Julian Center for Contributions to the Arts of Indiana, and she was the subject of Hoosier Profile by Greg Todd of WRTV, Channel 6, and of "Women at the Top" by Debbie Knox of WISH-TV, Channel 8. She serves as chair of the board of directors of the Healthnet Foundation. Ms. Blackburn is a graduate of Howard University and the Skowhegan School of Painting and Sculpture. Ms. Blackburn was appointed to the Indiana Civil Rights Commission in 1987 by Governor Robert Orr and has been reappointed to the Commission by governors Evan Bayh and Frank O'Bannon. She has served as the Commission's chairperson since 1990 and is a resident of Indianapolis.

Vice Chair David C. Carter

Commissioner David C. Carter serves as vice chairperson of the Commission. He has a Bachelor of Arts in English from Yale University, a Master of Arts in English from the University of Chicago, a degree in French from the Sorbonne (Paris), and has taught English. Although

he grew up in the Northeast, he has lived in south-central Indiana since 1966. Since 1975, Mr. Carter has used a wheelchair for mobility because of a spinal cord injury and is active in several organizations concerned with people with disabilities and accessibility issues. Mr. Carter owned and operated a book store in Spencer, Indiana, for 12 years, and continues to do freelance bookselling. Mr. Carter was appointed to the Commission by Governor Evan Bayh in 1991; his term of office expires in 2007.

Barry Baynard

Commissioner Barry Baynard has served as a Greencastle, Indiana, city councilman since 1995 and serves on the city's planning commission. Before becoming a councilman, he was vice president for the International Brotherhood of Boilermakers, Cement Division Local D39 for Lone Star Industries, where he has been employed for more than 22 years as a certified industrial electronics technician. A graduate of Greencastle High School, Mr. Baynard continued his undergraduate studies at IUPUI, receiving certification in industrial electronics and electricity. Mr. Baynard has served as mentor for Greencastle's summer enrichment program for disadvantaged/at-risk youth. He served as president of the Greencastle Branch of the NAACP for five years. Mr. Baynard was appointed by the Governor Frank O'Bannon to serve as a commissioner on July 1, 1997. During his second term of office ending July 2005, Mr. Baynard agreed to serve until reappointed or until his successor is appointed.

Tehiji G. Crenshaw

Commissioner Tehiji Crenshaw is a resident of Evansville, Indiana. Currently,

she is a customer services coordinator for the Community Action Program of Evansville, where she has been employed since February 2002. Ms. Crenshaw received a Bachelor of Science degree in Education from the University of Evansville. She is actively involved in the community and served on the executive board of the Indiana Tobacco Prevention and Cessation. Ms. Crenshaw was appointed to serve on the Indiana Civil Rights Commission in July 2006, for a term ending in July 2010.

John Garcia

Commissioner John Garcia from Highland, Indiana, is a graduate of Purdue University Calumet, having earned a Bachelor of Science degree in construction technology. He has worked in engineering and construction for more than 28 years. His experience includes staff assignments, administration and management of public works, and commercial and private land development projects under the employ of engineering firms. Additionally, he has served as city engineer and Board of Public Works member for the City of East Chicago. Mr. Garcia has been self-employed for the past 12 years and is the president of Garcia Consulting, an engineering consulting firm. The company advises local communities and private development clients and has a staff of 12 employees. Mr. Garcia was appointed to the Commission by Governor Frank O'Bannon on July 1, 1997. When his term expired in 2005, he agreed to serve until reappointed or until his successor is appointed.

Charles D. Gidney

Commissioner Charles Gidney teaches public speaking and interpersonal

communication at both the Richmond and Connersville campuses of Ivy Tech Community College. A resident of Richmond, Indiana, he received his formal education in the Chicago Public Schools and graduated from Westinghouse Vocational High School. From there he went on to attend Grambling State University. After graduating from Grambling with a Bachelor of Arts degree in Communications, he returned to Chicago. There he worked in the Chicago Public Schools while working part time at WGN-TV. He later joined the teaching staff of South Central Community Services, where he taught classes and coordinated the school's vocational education program. After receiving his Masters of Arts degree from Governors State University, he began teaching at Olive Harvey College in Chicago. He also worked as a weekend assignment editor at WFLD-TV, the Fox affiliate in Chicago. He has worked as a news assignment editor at the Fox sister station, WXIN-TV, covering the arrival of President Bush during the 2005 Black Expo. Mr. Gidney was featured in the 2005 "Spread the Word" exhibit at the Indiana State Museum. This exhibit highlighted African Americans who have worked in news throughout Indiana. In August of 2005, he returned to teaching full-time at Ivy Tech Community College. His civic affiliations include being a member of Light of the World Christian Church of Indianapolis, The National Association of Black Journalists, and Alpha Phi Alpha Fraternity, Inc. He is also a supporter of Richmond's Townsend Community Center. Commissioner Gidney was appointed by Governor Mitchell E. Daniels, Jr. to serve as a commissioner in July 2006 for a term ending July 2010.

Steven A. Ramos

Commissioner Steven A. Ramos has spent the last 27 years with the IBM Corporation in numerous management and leadership positions in worldwide strategy, sales support, and customer relationship management. He is currently on the IBM headquarters staff as leader for world wide business transformation and world wide technical support customer satisfaction. Mr. Ramos completed his undergraduate degree in 1978 from Augustana College in Rock Island, Illinois and received his MBA in 1998 from the University of Illinois Executive MBA program. He is actively involved in the Indianapolis community. Mr. Ramos co-founded the Indianapolis chapter of the National Society of Hispanic MBAs (NSHMBA), an organization whose mission is to foster Hispanic leadership through education; he currently serves as president. Besides NSHMBA, Mr. Ramos serves on several boards in the Indianapolis community, including: Indianapolis Hispanic Chamber of Commerce; Easter Seals Crossroads Rehabilitation; Ivy Tech College Technology Board; IUPUI Diversity Council; and the Greater Indianapolis Chamber Diversity Council. Mr. Ramos was appointed by Governor Mitchell E. Daniels, Jr. to serve as a commissioner on August 10, 2005 for a term ending in July 2008.

The chairperson of the Commission may appoint an ALJ to hear matters before and make recommendations to the Commission. Currently, Judge Robert D. Lange is the Commission ALJ.

Judge Robert D. Lange

Robert D. Lange earned a B.S. in Business in 1971 from Indiana University, majoring in Personnel Management. He received his J.D. from Indiana University School of Law at Indianapolis in 1974. Judge Lange

began his service with the Commission in 1974 as a staff attorney. He was chief staff counsel from 1976 to 1981 and has been the Commission's ALJ since April of 1981.

EXECUTIVE MANAGEMENT TEAM

Director Gregory Kellam Scott

In February 2005, Governor Daniels appointed former Colorado Supreme Court Justice Gregory Kellam Scott director of the Indiana Civil Rights Commission. Director Scott manages the day-to-day operation of the state agency, including a staff of approximately 35 employees. Recently, he was appointed a commissioner of the United States Commission on the African Judiciary. From 1993 to 2000, he served as a justice of the Colorado Supreme Court. In March 2000, Director Scott stepped down from the bench and returned to the private sector, serving as general counsel of Kaiser-Hill Company, which managed the clean-up of the former Rocky Flats nuclear weapons facility. In August 2002, he was appointed senior vice president and general counsel of GenCorp Inc., a company listed on the New York Stock Exchange that manufactures rocket engines for NASA. Before his appointment to the Colorado Supreme Court, he was a professor of law at the University of Denver, chairing the Business Planning Program. Director Scott holds a B.S. in Environmental Science and an Ed.M. in Urban Studies from Rutgers University. In 1977 he graduated with a JD from Indiana University School of Law at Indianapolis. In recognition of his public service, Director Scott was inducted into the Blacks in Colorado Hall of Fame and, in

1997 he was inducted into the Rutgers University Hall of Distinguished Alumni.

Deputy Director Christine D. Cde Baca

Christine D. Cde Baca has been the deputy director of the Indiana Civil Rights Commission since July 2005. Ms. Cde Baca serves as chair of the Commission's Education Steering Committee, a state-wide committee that is proactively addressing education issues in the state of Indiana. Prior to moving to Indiana, Ms. Cde Baca was a certified school psychologist both for the Howard County Public School System located in Columbia, Maryland, and Adams County School District 14 located in Commerce City, Colorado. As a school psychologist, Ms. Cde Baca facilitated implementation of school-wide behavior systems at two elementary schools, led instructional intervention teams, was a member of the county's behavior specialist team, and facilitated the school's crisis intervention team. She obtained her BA from the University of Denver Women's College and her Ed. S. in School Psychology from the University of Northern Colorado. Ms. Cde Baca researched and authored 17 entries for Childhood Disorders Diagnostic Desk Reference (2003), edited by Elaine Fletcher-Janzen and Cecil R. Reynolds, a book that provides brief descriptions of over 200 childhood disorders.

Debra Bluit

Debra Bluit has served as the executive assistant to the director of the Commission since May 2004. In that capacity, Ms. Bluit assists with all administrative duties, including, but not limited to managing the director's calendar and various projects designated by the director. Prior to joining the Commission, Ms. Bluit worked as a FMI/PMI Specialist for Irwin Mortgage Corporate office and held numerous positions at Raytheon Technical Services Company. Ms. Bluit attended Indiana College of Business and Technology majoring in Accounting and Business. She is active Bethel AME Church, where she has fellowshiped since childhood.

Robin A. Degner

Robin A. Degner comes to the Commission to fill the role of Office Operations Manager. She brings a wealth of experience obtained over 20 years of service with Indiana Government in areas of accounting, purchasing, budgeting, human resources, information technology, operational process improvement and customer service. Ms. Degner has served Indiana's citizens within Family and Social Services Administration, Commission on Public Records, Professional Licensing Agency,

Department of Administration/ Information Technology, and Department of Natural Resources. Ms. Degner attended IVY Technical College in Anderson, Indiana, studying Business and Accounting. She currently serves as the program chair for the Indiana Government PeopleSoft Financial Users Group.

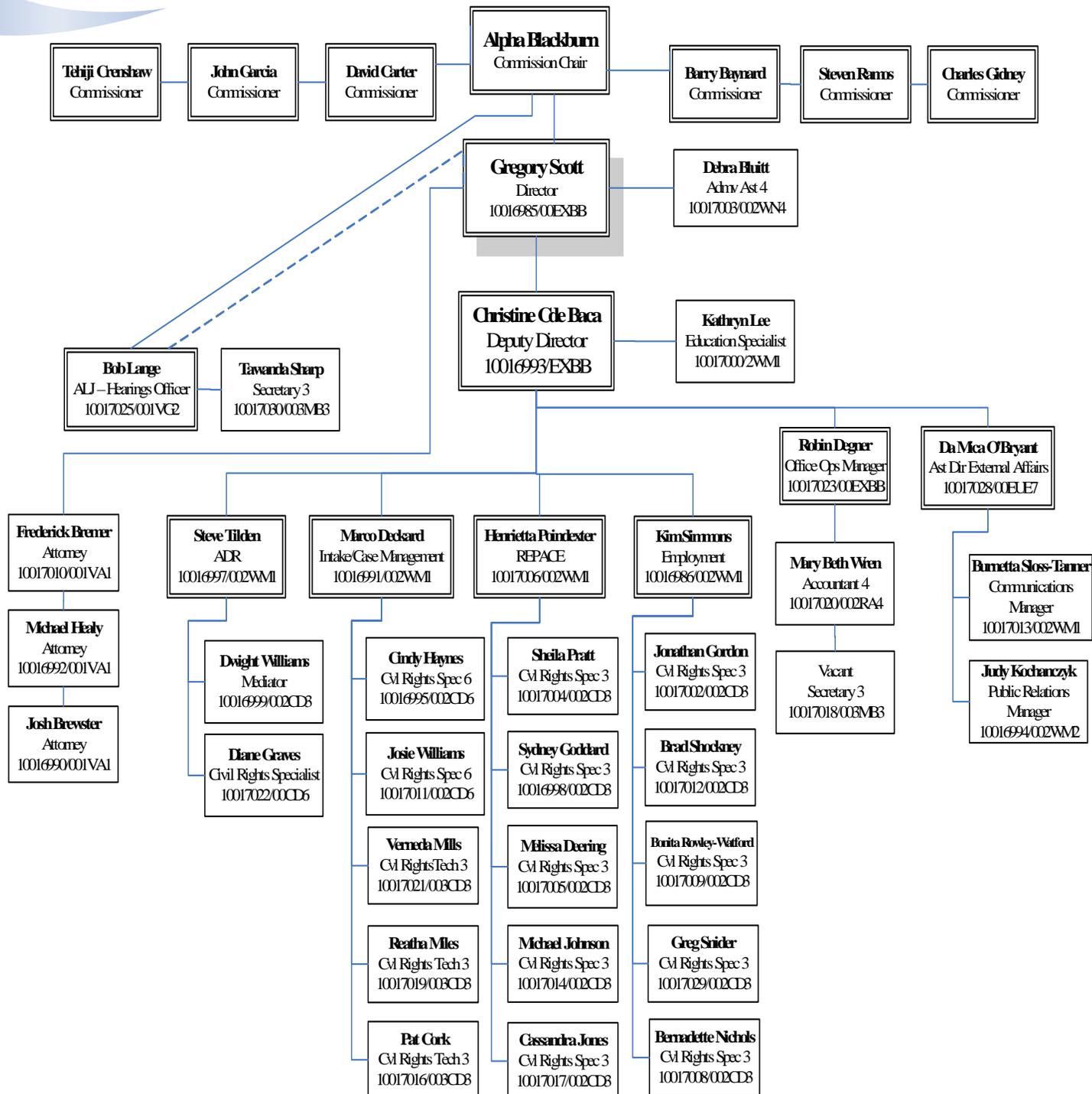
Da Mica L. O'Bryant

Da Mica L. O'Bryant joined the staff of the Commission in August 2004. She began her career as a public servant in 1992 when she became one of 10 candidates selected by Governor Evan Bayh for a one-year fellowship in state government. Ms. O'Bryant has held increasingly more responsible positions in various state agencies. Currently, she is the assistant director for external affairs at the Commission. Ms. O'Bryant graduated from Bennett College in Greensboro, North Carolina, with highest honors, in May 1992, earning her Bachelor of Arts Degree in English. She is active in her church and community and serves on the board of directors of several nonprofit organizations.

ORGANIZATIONAL CHART

Indiana Civil Rights Commission

Tuesday, March 27, 2007



TEAM REPORTS

EDUCATION POLICY

Since his appointment, Director Scott's foremost public policy change is to place a more profound focus on education. Our state statute, in section 22-9-1-7 (1993),



has long directed the Commission and its staff to become involved in issues regarding education. In response, the Commission established its Education Steering Committee, led by deputy director and former school psychologist Christine Cde Baca. The Committee is currently working to collect research regarding racial/ethnic disproportionality in the administration of school discipline. The Commission will continue its review as to the administration of school discipline and its impact on Indiana's large school dropout rate. The committee will provide recommendations to the Commission regarding an alternative method of implementing discipline in which all students will benefit and that

disproportionality rates will decrease. Additionally, the education policy staff is in the process of forming positive working relationships with other state and regional education-focused organizations, including colleges and universities. The statute that governs the education initiative follows:

IC 22-9-1-7 Educational Programs

Sec. 7. In order to eliminate prejudice among the various racial, religious, and ethnic groups in this state and to further goodwill among such groups, the Commission, in cooperation with the State Department of Education and the universities and colleges of the state, and other such universities and college as are willing to cooperate, is directed to prepare a comprehensive educational program, designed to emphasize the origin of prejudice against such minority groups, its harmful effects, its incompatibility with American principles of equality and fair play, and violation of the brotherhood of man.

CASE PROCESSING

The Case Processing team is headed by the deputy director and is comprised of four unit supervisors, 10 investigators, two mediators, three civil rights technicians, and two civil rights specialists. The purpose, training requirements, accomplishments, and supporting data for each unit follows.

Intake and Case Management

The Intake and Case Management unit consists of one supervisor, three civil

rights technicians, and two civil rights specialists. The unit receives written, telephone, facsimile, walk-in, and online inquiries from persons seeking to file complaints. Intake staff interview prospective complainants and draft jurisdictional complaints for members of the public. Frequently, members of the public contact the Commission about matters not within the agency's jurisdiction. In that case, referrals may be made to other governmental or non-governmental agencies.

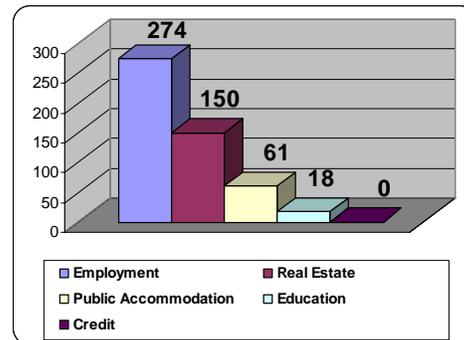
Fiscal year 2006 accomplishments include:

- ✓ Established a timeframe for responding to all public inquiries within five business days from the date of the initial contact;
- ✓ Set forth performance expectations that each intake specialist submit a minimum of 20 initial contacts, resulting in five new complaints weekly;
- ✓ Required weekly reports indicating the number of telephone inquiries, mail inquiries, walk-in contacts, referrals to outside resources, and complaints drafted;
- ✓ Created an “information request form” to replace the antiquated “intake contact form.” The new form allows the staff to gather more initial information;
- ✓ Began collecting data regarding the number of inquiries made by the public regarding classes not covered under the Indiana Civil Rights Law (age and sexual orientation);
- ✓ Established a timeframe for preparing files, entering all new complaints into the respective databases, and sending correspondence to the appropriate parties within five business days of receipt of a new complaint;
- ✓ Adopted a rule requiring that every EEOC or HUD contract case closure be processed within

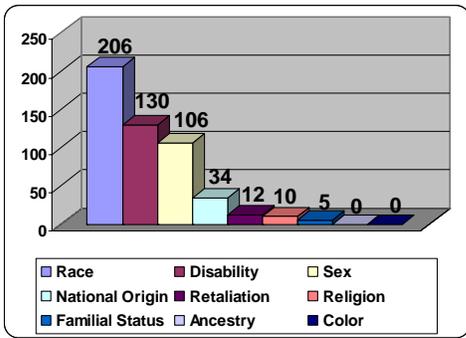
three business days of the date of the notice of finding/dismissal;

- ✓ Completed a file inventory audit under the supervision of the deputy director, resulting in the storage of files according to the agency retention schedule;
- ✓ Completed EEOC database conversion, which provides easier access to case reports and increases the Commission’s ability to track its pending inventory and individual staff workloads;
- ✓ Exceeded federal contract goals for EEOC intake charges.

During fiscal year 2006, 503 new cases were filed with the Commission. Of those cases, 274 claimed employment discrimination, 150 related to real estate, 61 were in the area of public accommodation, 18 involved a claim of denial of equal access to education.



Those 503 cases were filed on the basis of various causes as follows: 206 on the basis of race, 130 for disability, 106 on sex, 34 for national origin, 12 for retaliation, 10 for religion, and five for familial status. No new charges were filed on the basis of ancestry or color during fiscal year 2006.



Alternative Dispute Resolution

The Alternative Dispute Resolution (ADR) unit consists of one supervisor, two certified mediators, and certified law student interns who assist with mediations. Commission staff mediators complete a 40-hour mediation course at the Indiana University School of Law at Indianapolis and receive advanced training in federal and state civil rights laws and remedies, and mediation methodology and techniques at the University of Louisville and the Mediation Center of Evansville, Indiana. They have also attended courses in mediation offered by the National Association of Human Rights Workers, Inc. and Albion Associates, Inc.

From its inception, the Commission's ADR unit has functioned separately from the investigation and adjudication units of the agency. The ADR unit is devoted solely to mediating charges and conciliating probable cause complaints. The unit maintains separate electronic and paper filing systems. This firewall ensures the confidentiality of the negotiations during mediation and conciliation attempts.

At every stage of the Commission processes, the staff stresses mediation or conciliation of a discrimination complaint. To encourage amicable settlements by the parties, the Commission provides

information about voluntary mediation to all respondents. When a charge is filed, included with the respondent's notification of charge is a brochure describing the mediation process, the benefits of mediation, and an agreement to mediate form. When the respondent chooses to try mediation, the form is completed and returned to the Commission.

After the respondent agrees to mediation, the complainant is contacted. Nearly 100% of the complainants are willing to try mediation.

Since 1995, the ADR unit has successfully mediated and conciliated more than 950 employment discrimination complaints. Overall, the ADR unit has a 75% mediation success rate. Additionally, written surveys and verbal feedback indicate that more than 98% of those parties are satisfied with mediation as a fast and efficient alternative to complaint investigation and administrative adjudication processes.



Mediation agreements can include monetary relief, but frequently there are additional equitable, remedial and non-monetary remedies which are incorporated into the resolution. Examples of non-monetary relief that have led to successful resolutions of discrimination complaints include: neutral letters of reference, letters of apology,

non-retaliatory conduct, withdrawals of complaints pending with the agency, agreement to adhere to non-discriminatory practices, and an agreement to provide training to management and staff on equal employment opportunity laws and procedures.

The Commission was one of nine agencies selected to participate in a national mediation pilot program conducted by the EEOC to mediate federal Title VII employment discrimination charges. Cari M. Dominguez, EEOC Chair, told the Commission, *“Your results were remarkable in that the Commission successfully resolved 27 of 37 mediations for an overall success rate of 73%. The average age of cases resolved was 61 days. The Commission’s mediated resolutions resulted in monetary benefits of \$219,780 for 21 individuals, in addition to non-monetary benefits in 18 of the resolutions.”*

Monetary benefits from successful mediations by month:

2005	
July	\$9,117
August	\$9,720
September	\$10,983
October	\$21,440
November	\$7,750
December	\$3,265
2006	
January	\$0
February	\$2,418
March	\$13,150
April	\$2,040
May	\$43,110
June	\$26,437
Fiscal Year Total	\$149,430

Employment

The Employment unit has a staff of six members, including five investigators and one supervisor. This unit is responsible for the investigation of all complaints alleging discrimination in the area of employment. Each investigator has an average case load of approximately 55 cases, and each investigator receives several hours of training each fiscal year.

Because the Commission is a Fair Employment Practice Agency (FEPA), the agency is able to contract with the EEOC to resolve charges of discrimination that raise claims under state laws prohibiting employment discrimination as well as the federal laws enforced by the EEOC. Under contract, EEOC reimburses the Commission \$540 per case that it investigates. The current contract with the EEOC is valued at \$174,528. During fiscal year 2006, the Employment unit investigated 327 complaints. Probable cause was found in 28% of the cases investigated, and the total benefit awarded during fiscal year 2006 from employment cases was \$71,546.

Real Estate, Public Accommodation, Credit and Education (REPACE)

The REPACE unit consists of six members, including five investigators and one supervisor. The unit is responsible for the investigation of all jurisdictional complaints in the areas of real estate, public accommodations, credit, and education. Each investigator has an average caseload of approximately 35 cases. REPACE investigators are required to attend and pass a five week investigative training course which is located at the National Fair Housing Training Academy in Washington, D.C. Four members of the unit have

completed the 5-week certification program.

Because the Indiana Fair Housing Act is substantially equivalent to the Federal Fair Housing Act, the Commission is able to contract with the U.S. Department of Housing and Urban Development (HUD) to investigate complaints that raise discrimination claims under state and federal laws prohibiting residential property discrimination. HUD has a monthly efficiency target for these “fair housing” cases and requires that they be investigated within 100 days of receipt. Overall, REPACE met those goals during fiscal year 2006. While the Commission’s contract with HUD does not specify the number of cases to be investigated, the Commission has an annual goal of investigating 100 fair housing cases for the fiscal year. The

REPACE team exceeded the fiscal year 2006 goal by investigating 169 cases, despite a vacant investigator position.

In addition to real estate, the REPACE unit also works with issues of discrimination in public accommodation, credit, and education. However, 65% of cases within the REPACE unit focus on real estate. During fiscal year 2006, 145 real estate, 61 public accommodation, and 18 education complaints were filed with the Commission. During the same period, a resolution was rendered for 166 real estate, 47 public accommodation, and 23 education cases.



LEGAL

The Legal team has a staff of three full-time attorneys who report directly to Director Scott. The team is responsible for litigation, supervising compliance with Commission orders, and tracking new legislation. Staff attorneys represent the Commission and the public interest in matters before the Commission’s ALJ.

Litigation

The Legal team works to protect the civil rights of Hoosiers and visitors to the state of Indiana. The following cases represent a sample of the types of cases that the Commission has considered during fiscal year 2006.

Breger v. Lockwood Apartments, Docket No. HOfs03040137

Complainants are a family of two adults and one small child, who attempted to rent an apartment from respondent. Complainants looked at an apartment they liked but were told it was reserved for persons without children. Instead, they were told they could have an available basement apartment in another building which was reserved for families with children. Complainants signed the lease but almost immediately after moving in, discovered mold on the walls and saw that the child was becoming sick.

A finding of probable cause was issued. Proving the liability of respondent was the easier part. The more involved task was to prove all available damages to the

family as a result of the policy and the health hazard. To this end, a third-party discovery that included interviewing the child's physicians and contacting mold experts to perform tests on respondent's facilities was conducted. Previous tests taken at the time the complaint was filed showed concentrations of mold in the area. Investigation revealed that respondent had taken steps to have the mold removed, but it is believed this was after complainants filed their grievance.

The case was eventually settled out of court. The settlement agreement provided that respondent had to pay money to complainants and change its policies concerning segregating families with children.



**Parker v. Indy Airport Taxi and
Abdullahi Egal,
Docket No. PAha04030124**

Complainant is a woman suffering from obesity and other health issues. She telephoned Indy Airport Taxi to request a taxicab to pick her up at her apartment. According to complainant, the driver, Mr. Egal, drove to the apartment and when he saw her, said he couldn't transport her because "*she would break the doors open.*" He then, according to complainant, left her waiting there and offered no reasonable accommodations.

A probable cause finding was issued. The case is in discovery and has not yet gone to hearing.

**Warner v. P. Anderson d/b/a
Perkins Family Restaurants,
Docket No. EMsh02060329**

Complainant was employed as a server at a restaurant. She complained that she was subjected to degrading sexual comments from staff and though she complained to management, the comments continued. She was forced to resign her position due to the severe and pervasive nature of the sexual harassment to which she was subjected in the workplace.

A finding of probable cause was issued. Discovery revealed that there were no witnesses who could corroborate complainant's statements; this did not, however, mean that complainant's statements were untrue.

Complainant eventually entered into an out of court settlement with the company.

Legislation

During fiscal year 2006, no legislation was passed that directly impacts the Commission and its purpose. In the future, the Commission is interested in strengthening the remedies available to aggrieved parties under the Indiana Civil Rights Act, including emotional distress and attorney's fees. Finally, the Commission is working to promulgate new administrative regulations in the areas of retaliation, public accommodations and education.

EXTERNAL AFFAIRS

The mission of the External Affairs team is to provide and exercise leadership in the management and direction of matters related to: development; communications; public and community relations; and other efforts to improve awareness, understanding, and support of the Commission and its plans, programs, and purposes among the general public and key stakeholders. The team's goal is to establish and position the Commission as the leading entity in civil and human rights in the state of Indiana, and as one of the foremost public civil rights law enforcement agencies in the country. The External Affairs team includes one communications manager and one public relations manager, who report to the assistant director for external affairs.

Development

The External Affairs team implemented an \$80,000 Fair Housing Initiatives Program (FHIP) grant from HUD for a fair housing awareness campaign with three media formats: literature distribution, electronic media, and print media. In total, 62 advertisements were run in eight minority newspapers and one disability newsletter; 2,818 television and radio advertisements were aired on 11 stations; and 210,901 fair housing brochures were distributed throughout all 92 counties in the state of Indiana. The campaign yielded a 15 percent increase in the number of complaints filed and received an "excellent" rating by HUD. Additionally, the division implemented a \$75,000 Fair Housing Assistance Program (FHAP) grant from HUD. Those funds were disseminated through partnership agreements with both the Indiana Coalition on Housing and

Homeless Issues, Inc., and the Governor's Council for People with Disabilities in an effort to affirmatively further fair housing and to support President George W. Bush's national goal to end chronic homelessness.

Public Education and Outreach

Throughout the course of the fiscal year, the External Affairs team has coordinated many trainings and exhibits. The Commission participated in 22 exhibits in Indianapolis and Muncie, Indiana, during fiscal year 2006. Examples of events at which the Commission exhibited include: Summer Latino Fun Fest, Indiana Black Expo, Social Status of Black Males Annual Conference, and the Governor's Planning Council for People with Disabilities. The External Affairs team also coordinated 14 training events throughout Indiana for fiscal year 2006. These training events occurred in seven cities across Indiana and were on topics such as disability, fair housing, and sexual harassment.

Community Relations

Each year, the External Affairs team, in conjunction with select organizations, hosts two major events: the Dr. Martin Luther King, Jr. Statewide Holiday Celebration and the Holocaust Memorial Observance. Both events include a youth summit, an invitation-only event attended by school-aged youth from all over the state of Indiana.

The Fifteenth Annual Statewide Dr. Martin Luther King, Jr. Holiday Celebration took place on Thursday, January 12, 2006, from noon until 1:00 PM. The Dr. Martin Luther King, Jr. Indiana Holiday Commission and the

Indiana Civil Rights Commission collaborated to host the event. Judge Tanya Walton Pratt, chair of the King Commission, and Director Scott co-hosted the event. Governor Mitchell E. Daniels, Jr. provided the welcome, and Jeffrey Johnson, known for the BET channel's mini documentaries, *The Cousin Jeff Chronicles*, delivered the keynote address.

The King Educational Youth Summit was also held on Thursday, January 12, 2006, from 9:00 AM until 11:00 AM at the historic Bethel African Methodist Episcopal Church in Indianapolis. The original location for the youth summit was the Indiana Government Center; however, because of the overwhelming response from schools around the state, the youth summit was moved to a larger facility. The Dr. Martin Luther King, Jr. Indiana Holiday Celebration was attended by approximately 800 middle and high school students.

The Holocaust Memorial Observance was held on Tuesday, April 25, 2006, in the Indiana Capital Rotunda North Atrium. The event was hosted by the Dr. Martin Luther King, Jr. Indiana Holiday Commission in conjunction with the Indianapolis Jewish Relations Council. Director Scott served as emcee. Remarks were made by Governor

Mitchell E. Daniels, Jr.; Judge Walton Pratt; and Henry Efrogmson, president of the Indianapolis Jewish Community Relations Council. Michael Blain, holocaust survivor and recipient of Indiana's highest civilian honor, the Sagamore of the Wabash, served as the keynote speaker. The Holocaust Educational Youth Summit was held at the Christian Theological Seminary Campus Shelton Auditorium



on Tuesday, April 25, 2006, from 9:15 AM until 10:45 AM. The keynote speaker was Kelly A. Watson, a

Washington, D.C. United States Holocaust Memorial Museum fellow and eighth grade teacher at Fishers Junior High School. The youth summit and Holocaust Memorial Observance were attended by more than 500 participants collectively.

Finally, the Commission will host the National Association of Human Rights Workers Conference in November 2006; the External Affairs team is the planning department for this event. Preparations for the 2007 Dr. Martin Luther King, Jr. Statewide Holiday Celebration will include a film festival featuring two civil rights documentaries produced by Indiana high school students.

OPERATIONS

The Operations team consists of one accountant, and one account clerk, who report to the operations manager. The Operations unit's duties include: overseeing the budget and agency finances; disbursement of agency expenses; management of facility operations, telecommunications,

technology, payroll, and travel. In addition, the team supervisor serves as the agency office manager.

During fiscal year 2006, the Operations team concentrated on controlling and cutting spending, specifically travel expenses. Long term, the focus is on

developing a centralized database which will enable the Commission to utilize and manage data that is currently within the Commission's books and records but previously not fully utilized. It is also a

goal to update all Commission equipment and technology to better serve the citizens of Indiana.

The agency financial position follows.

**Indiana Civil Rights Commission Fiscal Report
July 1, 2005 – June 30, 2006 Operating Budget**

Fiscal Year	Description	Legislative Appropriation	Reversion Requirement	Allotment	Disbursed / Obligated	Returned General Fund
2006	Personnel Costs	\$2,046,658	\$142,811	\$1,903,847	\$1,809,340	\$94,507
	Contracts/Services	\$183,571	\$0	\$183,571	\$179,138	\$4,433
	Supplies/ Equipment	\$57,179	\$0	\$57,179	\$35,949	\$21,230
	Grants/Subsides/Awards	\$25,749	\$0	\$25,749	\$23,749	\$2,000
	Travel	\$15,016	\$0	\$15,016	\$11,508	\$3,508
2006	Total	\$2,328,173	\$142,811	\$2,185,362	\$2,059,683	\$125,679

Commission Operating Budget Analysis of past four Fiscal Years

Fiscal Year	Legislative Appropriation	Reversion Requirement	Allotment	Disbursed / Obligated	Returned General Fund	Change from Prior Year
2006	\$2,328,173	\$142,811	\$2,185,362	\$2,059,683	\$125,679	\$115,337
2005	\$2,319,158	\$103,658	\$2,215,500	\$2,205,158	\$10,342	-\$164,327
2004	\$2,299,158	\$18,315	\$2,280,843	\$2,106,175	\$174,668	\$5,125
2003	\$2,498,051	\$205,671	\$2,292,380	\$2,122,837	\$169,543	

CONCLUSION

CONCLUSION

Recently many have questioned whether civil/human rights commissions are still relevant and necessary at a time in history when “*diversity*” and “*tolerance*” are political and social buzz words.

Those familiar with the Indiana civil rights landscape are aware of the nature and extent of discrimination in our state. They also know the need for a civil rights agency with enforcement authority continues to exist today. The following statements are offered in support:

- There is only one state in the Union *without* a civil rights commission – Mississippi;
- More than 500 complaints are filed with the Commission

annually alleging unlawful discrimination;

- Children of color in Indiana receive school discipline at rates disproportionate to their white peers for the same or similar infractions;
- Hoosiers and visitors to the state continue to be unlawfully denied employment, housing, public accommodations, credit and education solely based upon factors considered unlawful, including race, religion, color, sex, national origin, ancestry, disability, and familial status.

Clearly, our work is not yet finished!

Indiana civil rights statutes prohibit discrimination in the areas of employment, real estate, public accommodations, credit, and education, and on the basis of race, religion, color, sex, disability, national origin, ancestry, and familial status (with respect to residential real estate transactions only). People who believe they have been unlawfully discriminated against should contact the Indiana Civil Rights Commission at (317) 232-2600, (800) 628-2909 or www.in.gov/icrc/.

